MONTANA LEGISLATIVE HISTORY

Chapter 530 1925

Bill H 218 S _____ Original bill & history ____C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Feb 01	✓ C	Hearing Date(s)	Feb 28	✓ C
		C		Mar 04	✓ C
		C		Mar 13	✓ C
		C			C
Date Out	Feb 01	✓ C		Mar 17	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

House BILL NO. 918

INTRODUCED BY Menahan-Mussett

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 10-1234, R.C.M. 1947, TO INCREASE THE SALARY OF PROBATION OFFICERS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-1234, R.C.M. 1947, is amended to read as follows:

"10-1234. Probation officers -- powers -- duties -- qualifications. (1) The youth division judge of each judicial district shall appoint such necessary probation officers as are required to carry out the purpose and intent of this act. He shall appoint such part-time probation officers as shall be required. The qualifications for part-time probation officers shall approximate those required for probation officers in so far as possible. A chief probation officer shall be appointed by the judge to supervise the youth division offices in the judicial district. The judge shall also insure that the youth division offices are staffed with necessary office personnel and that the offices are properly equipped to effectively carry out the purpose and intent of this act. No person while serving as a law enforcement officer shall be appointed or perform the duties of a full-time or part-time probation officer.

(2) Any person appointed as a chief probation officer must have the following qualifications:

(a) a master's degree in the behavioral sciences or;

(b) a bachelor's degree from an accredited college or university in the behavioral sciences, and at least one (1) year's experience in work of a nature related to the duties of a probation officer as set forth in subsection (4) of this section; or

(c) a bachelor's degree in any field and at least three (3) years' experience in work related to the duties of a probation officer as set forth in subsection (4) of this section.

(d) The judge may appoint any reputable person as a probation officer who has had experience in work of a nature related to the duties of a chief probation officer; provided, preference shall be given to persons with the qualifications set forth in subsection (2) above.

(4) A probation officer shall:

(a) perform the duties set out in section 10-1210;

(b) make predisposition studies and submit reports and recommendations to the court;

(c) supervise, assist and counsel youth placed on probation or under his supervision;

(d) perform any other functions designated by the court.

(5) A probation officer shall have no power to make arrests or to perform any other law enforcement functions in carrying out his duties except that a probation officer may take into custody any youth who violates either his probation or a lawful order of the court.

(6) A chief probation officer shall receive for his services a sum specified by the court~~--upon--appointment~~; however, the judge may employ him on a yearly salary, not to ~~exceed--eleven--thousand--dollars-($11,000)-or-on-a-per-diem basis-at-the-rate-of-forty-dollars-($40)--per--day--for--the time--actually--and--necessarily--employed-in-performing-the duties-of-the-office~~ be less than twelve thousand five hundred dollars ($12,500). The salary of such officer shall be apportioned among and paid by each of the counties in which such officer is appointed to act, in proportion to the assessed valuation of such counties for the same year, except where such officer is appointed for one (1) county whereby such county shall pay the entire salary.

The judge having jurisdiction of juvenile matters may also appoint such additional persons giving preference to persons having the qualifications suggested for appointment as the chief probation officer to serve as deputy probation officers as the judge deems necessary; their salaries to be

fixed by the judge~~-at-the-time-of-appointment~~, provided that such salaries shall not exceed ninety percent (90%) of the salary of the chief probation officer.

For all necessary travel incident to his official duties in connection with the investigation, supervision, and transportation of youth, the probation officer shall, in addition to his office salary, be reimbursed for actual expenses incurred."

-End-

JUDICIARY COMMITTEE

February 1, 1975

The eighteenth meeting of the House Judiciary Committee was called to order in Room 436 of the Capitol Building at Helena, Montana on Saturday, February 1, 1975 at 9:00 AM. Representative Huennekens, Chairman, presided. All members were present except Representative Rasmussen.

Bills scheduled for hearing this date were House Bills Nos. 218 and 149 and were taken in this order.

HOUSE BILL NO. 218 Representative William Menahan, District #90, is chief sponsor of this measure to increase the salaries of juvenile probation officers. He stated this bill is an amended version of last year's bill in which the probation officers were given a raise and then the following day the youth court act was passed in which their salary was left at $11,000 per year. The attorney general determined that since the youth court act went through last the salary for probation officers was still $11,000 rather than the increase to $12,500 as granted in the bill to raise their salaries.

Proponents were Mike McLean, representing the Montana Probation Officers Association from Missoula; Afton C. Cook, probation officer from Glasgow; George A. Melikor, probation officer from Glasgow; David Demmonk, juvenile probation officer from Stevensville, and Gary Loshesky, juvenile probation officer from Anaconda.

Proponents to the bill cited figures by the F.B.I. that crime has increased 30% since last quarter of 1973. Crime is on the increase in smaller cities. Probation officers are a young, dedicated devoted group of people in this state.

Opponent Dean Zinnicker, representing the Montana Association of Counties, stated the county commissioners run into problems as the district judges do not have any responsibility to raise salaries. Dale L. Skaalure, an opponent representing the Montana Association of Counties stated fiscal responsibility in setting salaries should be taken into consideration.

Representative Menahan stated in closing that a judge should be fiscally responsible if he gets the job. He pointed out that the county commissioners do not have the power to set salaries of other people. He pointed out it costs $14,000 per year to keep one person in Deer Lodge and he feels it is a savings to keep people out of Deer Lodge.

No other proponents or opponents. Hearing was then opened to questions from committee members. Representative

NAME Clifton C. Cook Bill No. 215

ADDRESS Missoula Date 2/11/76

WHOM DO YOU REPRESENT? Political Office

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Mike McLean Bill No. 218

ADDRESS Lolo View Manor #1 Missoula Date 2-1-75

WHOM DO YOU REPRESENT? Mont. Probation Officers Association

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: The importance of this bill is that the $12,500 salary was passed by both Houses and signed by the governor last year however, the Youth Court Act was passed one day later with a salary of 11,000. The attorney general's office has given an opinion, at the request of Cascade County Chief Juvenile Probation Officer, that the Youth Court Act takes precedence and the salary is legally limited to 11,000.

STANDING COMMITTEE REPORT

..... 19 .....

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 218

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 10-1234, R.C.M. 1947, TO INCREASE THE SALARY OF PROBATION OFFICERS."

Respectfully report as follows: That HOUSE Bill No. 218

HOUSE BILL NO. 218 Chairman Huennekens summarized the testimony, stating that the essential point was that last year legislature increased the salary of juvenile probation officers to $12,500 but recodification of juvenile laws overrode this and put salary back to $11,000. The opponents had an objection in that they feel this salary was set as a minimum and gives too much authority to the district judges, they are not necessarily accountable and may set the figure too high. In one or two counties, Wheatland specifically, the judge was careless in arriving at decisions according to testimony.

Responding to a question by Representative Day, Representative Scully stated there were no other instances where the judge sets the salary, they do in this instance because the judge knows what probation officers are doing. Confidentiality is important in probation work.

Representative Dennis Lester moved DO PASS. Motion seconded by Representative Kimble.

A substitute motion by Representative Anderson to say "provided, however, that he does consult with the county commissioners" was discussed. Representative Day pointed out there was a problem here in that the judge would have to consult with commissioners from three or four counties.

Chairman Huennekens stated that if he were a probation officer he would also be screaming for back pay. Representative Yardley stated he doesn't think we are really taking something away from the county commissioners or county attorney but we are taking power from the legislature and giving it to the judge.

Motion DO PASS carried unanimously.

HOUSE BILL NO. 149 A motion by Representative Baeth of DO PASS

Representative Moore then questioned if there was any one else in a better position to know the work load of a probation officer than a judge to which he was answered they should be more aware of what is going on by Mr. Skaalure.

Representative Huennekens questioned whether the district court judge set the figure far enough ahead for the commissioners to budget for salaries to which Mr. Seward replied that when a salary is recommended by a judge it is a pretty hard thing to argue. Representative Scully pointed out the confidentiality factor with probation officers and the judge. Representative Meloy pointed out that a judge is an elected official responsible to the people just as are county commissioners. Mr. Zinnicker stated they were not necessarily responsible to people as far as money they are spending. Salaries for part time probation officers are set by the judge.

Hearing was then closed on House Bill No. 218.

Representative Moore, Vice-Chairman, presided during next portion of hearing while Mr. Huennekens excused.

HOUSE BILL NO. 149 Representative Carl A. Seifert, District #26, stated he introduced this bill at the request of the Clerks of Court. Intent of the bill is to lower the age requiring judicial consent for marriage license from eighteen to sixteen. Parental consent will still be required until age eighteen. It is felt that this requirement works undue hardship on many applicants. The five days waiting period is being deleted in this bill, also the posting of notice of application.

Proponent Hardin E. Todd, representing the

NAME Dale L. Haaland, Big Timber, Mt Bill No. HB 218

ADDRESS Mont. Assoc Counties Date 2/1/75

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE _____ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

As Commissioners we must levy the amt prescribed by the Judge -

He determines work loads - responsibilities we pay -

Perhaps there should be limits + guidelines instead.

I favor a flow.

NAME MARY LOUISE SMITH Bill No. HB 218

ADDRESS ANACONDA, MONTANA Date 2/11/75

WHOM DO YOU REPRESENT? JUVENILE PROBATION OFFICERS

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME David Timmons Bill No. 218

ADDRESS Box 152 Shannonville, W.Va. Date 2-1-75

WHOM DO YOU REPRESENT? Juvenile Probation Officers

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME _____ Bill No. HB 210

ADDRESS Glasgow Dist Date 2-1-15

WHOM DO YOU REPRESENT? PROBATION Officers

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

February 28, 1975

ıe meeting was called to order by Senator Towe, Chairman, at 52 a.m. in Room 442 of the Capitol Building.

ıe following bills were heard:

HB 102
HB 218
HB 243

3 102 -- Representative Herb Huennekens of District 68, the sponsor of the bill, stated that the purpose of the bill was to make the job of county attorney in larger counties a full time position.

Tom Honzel of the Montana County Attorneys' Association reviewed the bill, supported it and stated that it was long overdue. He presented written testimony, attached.

Robert Deschamps, Missoula County Attorney, presented materials and statistics relating to the size of the county attorney's job in his county in the areas of criminal and civil law and in areas new to the county attorney's office such as land use and union-employer litigation. Materials attached.

Tom Olson, Gallatin County Attorney, stated that the committee should amend the bill to apply to all counties with a population in excess of 30,000. (Amendment attached.) He stated that he would terminate his private practice if he could work full time as county attorney.

Cap Bryant of the Montana Sheriffs' and Peace Officers Association supported the bill and urged that it be concurred in.

There were no opponents to the bill.

3 218 -- & 3 243 Jeremiah Johnson, Juvenile Probation Officer for Missoula, speaking for Representative William Menehan, District 90, sponsor of the bills, stated that the purpose of HB 243 was to include as a deliquent offense, the violation of an informal consent agreement for a youth in need of supervision. Written explanatory testimony attached.

There were no further proponents and no opponents to HB 243.

Mr. Johnson also explained HB 218, which sets a minimum salary for juvenile probation officers. In support of the bill he stated that juvenile probation officers are making strong efforts to improve their educational backgrounds, and he cited statistics to prove it.

Mr. Michael Papich, Juvenile Probation Officer from Anaconda, offered explanation and support for the bill.

Mr. Irvin Zeitner, Chief Juvenile Probation Officer Miles City, stated that he did not like having coun commissioners setting salaries as he has 21 county missioners to contend with.

Mr. P. W. Avery, Juvenile Probation Officer in Grea stated that district judges are more aware of the a of work juvenile probation officers have than count commissioners are.

OPPONENTS

Dean Zinnecker of the Montana Association of Counti opposed any attempt to remove salary responsibility county commissioners, stating that they were more f responsible than district judges.

There were no further opponents.

EXECUTIVE SESSION

HB 218 -- Senator Turnage moved to amend the bill on page 3, 15, by inserting a ceiling on juvenile probation o salaries. WITH SENATOR GREELY VOTING NO, THE MOTI ON A ROLL CALL VOTE.

HB 122 -- Senator Greely moved to amend the bill. THE MOTIO ADOPTED UNANIMOUSLY. Senator Greely then moved th THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

ADJOURNED - 11:00 a.m.

CHAIRMAN

ENATE COMMITTEE JUDICIARY

ate Feb 26, 1975 HOUSE Bill No. 218 Time

AME	YES	NO
THOMAS E. TOWE	X	
JOE R. ROBERTS	X	
V.E. CETRONE		
MARGARET S. WARDEN	X	
ROBERT J. BROWN		
GLEN L. DRAKE	X	
JEAN A. TURNAGE	X	
MICHAEL GREELY		X

Secretary

Chairman

Motion: By Senator Turnage to amend page 3, line 15 by inserting a ceiling on physicians' salaries. (see attached sheet)

Include enough information on motion—put with yellow copy of

March 4

The meeting was opened by Senator Towe, Chairman, at 3:10 P.M. in Room 442 of the Capitol Building. All committee members were present.

The following bills were discussed:

HB 102
HB 218
HB 243
HB 202
SB 100

HB 102 -- Senator Turnage moved to amend HB 102 on page 1, line 17 and page 4, line 24. WITH SENATOR GREELY ABSTAINING, THE MOTION CARRIED ON A ROLL CALL VOTE.

Senator Roberts moved to amend HB 102 on page 4, line 17. WITH SENATOR TOWE VOTING NO AND SENATOR GREELY ABSTAINING, THE MOTION CARRIED ON A ROLL CALL VOTE.

Senator Drake moved the remaining amendments to HB 102 (attached). WITH SENATOR GREELY ABSTAINING, THE MOTION CARRIED ON A ROLL CALL VOTE.

Senator Turnage moved that HB 102 be concurred in as amended. WITH SENATOR GREELY ABSTAINING, THE MOTION CARRIED ON A ROLL CALL VOTE.

HB 218 -- Senator Drake moved to amend HB 218 by adding a new section 2. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Senator Turnage moved that HB 218 be amended on page 3, line 15. WITH SENATORS CETRONE AND GREELY VOTING NO, THE MOTION CARRIED ON A ROLL CALL VOTE.

Senator Warden moved that HB 218 be concurred in as amended. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 243 -- Senator Turnage moved that HB 243 be not concurred in. The motion was withdrawn.

Senator Turnage moved to amend HB 243 in the title of the bill and to strike the new language in the bill. WITH SENATOR ROBERTS ABSENT AND SENATOR GREELY VOTING NO, THE MOTION CARRIED ON A ROLL CALL VOTE.

Senator Turnage moved that HB 243 be concurred in as amended. WITH SENATOR ROBERTS ABSENT, THE MOTION CARRIED ON A ROLL CALL VOTE.

SENATE COMMITTEE JUDICIARY

Date 3/4/76 House Bill No. 218 Time

NAME	YES	NO
THOMAS E. TOWE	X	
JOE R. ROBERTS	X	
V.E. CETRONE		X
MARGARET S. WARDEN	X	
ROBERT J. BROWN	X	
GLEN L. DRAKE	X	
JEAN A. TURNAGE	X	
MICHAEL GREELY		X

Bill Robyns
Secretary

Thomas E. Towe jr.
Chairman

Motion: by Senator Turnage to accept j. s. Issue 15 (see attached committee report)

SENATE COMMITTEE JUDICIARY

Date 3/4/75 House Bill No. 218 Time

NAME	YES	NO
THOMAS E. TOWE	X	
JOE R. ROBERTS	X	
V.E. CETRONE	X	
MARGARET S. WARDEN	X	
ROBERT J. BROWN	X	
GLEN L. DRAKE	X	
JEAN A. TURNAGE	X	
MICHAEL GREELY	X	

Jill Robyanni
Secretary

Thomas E Towe
Chairman

Motion: by Senator Drake to amend by adding a new section 2 (see attached committee report)

SENATE COMMITTEE JUDICIARY

Date 3/4/75 Haines Bill No. 218 Time

NAME	YES	NO
THOMAS E. TOWE	X	
JOE R. ROBERTS	X	
V.E. CETRONE	X	
MARGARET S. WARDEN	X	
ROBERT J. BROWN	X	
GLEN L. DRAKE	X	
JEAN A. TURNAGE	X	
MICHAEL GREELY	X	

Jill Rabyasse
Secretary

Thomas E. Towe
Chairman

Motion: By Senator Warden that HB 218 be concurred in as amended. (attached committee report)

HB 298 -- Senator Roberts moved HB 298 be not concurred in. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE. Senator Turnage moved to hold HB 298 until further notice. The motion carried.

HB 647 -- Senator Towe moved to amend page 2, line 23 following "registration" by inserting "but in no event less than ten days before the election". THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Senator Brown moved HB 647 be concurred in as amended. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 218 -- Senator Turnage moved to amend page 3, line 15; and page 4, line 8 by adding a new section 2. WITH SENATOR CETRONE ABSENT, THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Senator Turnage moved that HB 218 be concurred in as amended. WITH SENATOR CETRONE ABSENT, THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 364 -- Senator Drake moved HB 364 be not concurred in. Senator Warden moved a substitute motion that HB 364 be concurred in. Senator Greely made a substitute motion for all motions pending to pass consideration for the day. THE MOTION CARRIED WITH SENATOR DRAKE VOTING NO AND SENATOR CETRONE ABSENT.

HB 393 -- Senator Turnage moved to strike section 2 in its entirety. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE WITH SENATORS ROBERTS, GREELY, AND TOWE VOTING NO, AND SENATOR CETRONE ABSENT.

Senator Turnage moved to amend the title, line 8, by striking all repealed sections. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE WITH SENATOR CETRONE ABSENT.

Senator Turnage moved HB 393 be concurred in as amended. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE WITH SENATOR CETRONE ABSENT.

There being no further business the meeting adjourned to reconvene

SENATE COMMITTEE JUDICIARY

Date 3/13/75 Senate Bill No. 218 Time

NAME	YES	NO
THOMAS E. TOWE	X	
JOE R. ROBERTS	X	
V.E. CETRONE		
MARGARET S. WARDEN	X	
ROBERT J. BROWN	X	
GLEN L. DRAKE	X	
JEAN A. TURNAGE	X	
MICHAEL GREELY	X	

Secretary

Chairman

Motion: Sen Senator Turnage to amend page 3, line 15 and page 4, line 8. (see attached committee report)

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date 3/13/75 House Bill No. 218 Time

NAME	YES	NO
THOMAS E. TOWE	X	
JOE R. ROBERTS	X	
V.E. CETRONE		
MARGARET S. WARDEN	X	
ROBERT J. BROWN	X	
GLEN L. DRAKE	X	
JEAN A. TURNAGE	X	
MICHAEL GREELY	X	

Secretary

Chairman

Motion: By Senator Turnage Dept. HB 218 be concurred in as amended.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 17, 19...

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 218

Respectfully report as follows: That HOUSE Bill No. 218

third reading, be amended as follows:

1. Amend page 3, section 1, line 15.
Following: "($12,500)"
Insert: "nor more than sixteen thousand dollars ($16,00
depending on the formal training and experienc
of each respective officer"

2. Amend page 4, section 1, line 8.
Following: line 8
Insert: "Section 2. There is a new R.C.M. section that reads as follows:
Notwithstanding the provisions of section 34 of the laws of Montana of 1974, it is the intent of the le that the maximum salary for youth court probation o from July 1, 1974, until the effective date of this governed by section 1 of chapter 241 of the session 1974 providing for a maximum annual salary of twelv

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 218

respectfully report as follows: That HOUSE Bill No. 218

third reading, be amended as follows:

1. Amend page 3, section 1, line 15.
   Following: "($12,500)"
   Insert: "nor more than sixteen thousand dollars ($16,000) depending on the formal training and experience of each respective officer"

2. Amend page 4, section 1, line 9.
   Following: line 8
   Insert: "Section 2. There is a new R.C.M. section that reads as follows:
   Notwithstanding the provisions of section 34 of the sessio laws of Montana of 1974, it is the intent of the legislatu that the maximum salary for youth court probation officers from July 1, 1974, until the effective date of this act be governed by section 1 of chapter 241 of the session laws o 1974 providing for a maximum annual salary of twelve thousand five hundred dollars ($12,500) per annum or forty five dollars ($45) per diem. Youth court probation offic shall not be required to repay amounts in excess of those limits received as compensation for services rendered during that period."

AND AS SO AMENDED, BE CONCURRED I

Chairman.

STATE PUB. CO
Helena, Mont.

HOUSE BILL NO. 218

INTRODUCED BY MENAHAN, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 10-1234, R.C.M. 1947, TO INCREASE THE SALARY OF PROBATION OFFICERS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-1234, R.C.M. 1947, is amended to read as follows:

"10-1234. Probation officers -- powers -- duties -- qualifications. (1) The youth division judge of each judicial district shall appoint such necessary probation officers as are required to carry out the purpose and intent of this act. He shall appoint such part-time probation officers as shall be required. The qualifications for part-time probation officers shall approximate those required for probation officers in so far as possible. A chief probation officer shall be appointed by the judge to supervise the youth division offices in the judicial district. The judge shall also insure that the youth division offices are staffed with necessary office personnel and that the offices are properly equipped to effectively carry out the purpose and intent of this act. No person while serving as a law enforcement officer shall be appointed or perform the duties of a full-time or part-time probation officer.

(2) Any person appointed as a chief probation officer must have the following qualifications:

(a) a master's degree in the behavioral sciences or;

(b) a bachelor's degree from an accredited college or university in the behavioral sciences, and at least one (1) year's experience in work of a nature related to the duties of a probation officer as set forth in subsection (4) of this section; or

(c) a bachelor's degree in any field and at least three (3) years' experience in work related to the duties of a probation officer as set forth in subsection (4) of this section.

(d) The judge may appoint any reputable person as a probation officer who has had experience in work of a nature related to the duties of a chief probation officer; provided, preference shall be given to persons with the qualifications set forth in subsection (2) above.

(4) A probation officer shall:

(a) perform the duties set out in section 10-1210;

(b) make predisposition studies and submit reports and recommendations to the court;

(c) supervise, assist and counsel youth placed on probation or under his supervision;

REFERENCE BILL

(d) perform any other functions designated by the court.

(5) A probation officer shall have no power to make arrests or to perform any other law enforcement functions in carrying out his duties except that a probation officer may take into custody any youth who violates either his probation or a lawful order of the court.

(6) A chief probation officer shall receive for his services a sum specified by the court ~~upon-appointment~~; however, the judge may employ him on a yearly salary, not to ~~exceed-eleven-thousand-dollars-($11,000)-or-on-a-per-diem basis-at-the-rate-of-forty-dollars-($40)-per-day-for-the time-actually-and-necessarily-employed-in-performing-the duties-of-the-office~~ be less than twelve thousand five hundred dollars ($12,500) NOR MORE THAN SIXTEEN THOUSAND DOLLARS ($16,000) DEPENDING ON THE FORMAL TRAINING AND EXPERIENCE OF EACH RESPECTIVE OFFICER. The salary of such officer shall be apportioned among and paid by each of the counties in which such officer is appointed to act, in proportion to the assessed valuation of such counties for the same year, except where such officer is appointed for one (1) county whereby such county shall pay the entire salary.

The judge having jurisdiction of juvenile matters may also appoint such additional persons giving preference to

persons having the qualifications suggested for appointment as the chief probation officer to serve as deputy probation officers as the judge deems necessary; their salaries to be fixed by the judge ~~at-the-time-of-appointment~~, provided that such salaries shall not exceed ninety percent (90%) of the salary of the chief probation officer.

For all necessary travel incident to his official duties in connection with the investigation, supervision, and transportation of youth, the probation officer shall, in addition to his office salary, be reimbursed for actual expenses incurred."

SECTION 2. THERE IS A NEW R.C.M. SECTION THAT READS AS FOLLOWS:

Notwithstanding the provisions of section 34 of the session laws of Montana of 1974, it is the intent of the legislature that the maximum salary for youth court probation officers from July 1, 1974, until the effective date of this act be governed by section 1 of chapter 241 of the session laws of 1974 providing for a maximum annual salary of twelve thousand five hundred dollars ($12,500) per annum or forty-five dollars ($45) per diem. Youth court probation officers shall not be required to repay amounts in excess of these limits, received as compensation for services rendered during that period.

-End-